

Exhibit 46

MICHELLE T. CLARKE
ANDERSON vs TRUSTEES OF DARTMOUTH COLLEGE

April 06, 2020

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEW HAMPSHIRE

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4 * * * * *

5 MARK ANDERSON, *

6 Plaintiff, *

7 vs. * NO. 1:19-CV-109-SM

8 TRUSTEES OF DARTMOUTH *

9 COLLEGE, *

10 Defendant. *

11 * * * * *

12
13 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

14 MICHELLE T. CLARKE

15 Hanover, New Hampshire

16 April 6, 2020 2:02 p.m.

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19
20
21 Maryellen Coughlin, RPR/CRR

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1 APPEARANCES:

2 Appearing Pro se (Via Zoom):

3 Mark Anderson

4
5 Representing the Trustees of Dartmouth College

6 (Via Zoom):

7 DINSE

8 PO Box 988

9 209 Battery Street

10 Burlington, Vermont 05402-0988

11 BY: Shapleigh Smith, Esq.

12 802-864-5751

13 ssmith@dinse.com

14
15 Present: Chris McGown, Esq.

16 Dana Scaduto

17
18 Videographer: Mike Cooper

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I N D E X

EXAMINATION

PAGE

BY MR. ANDERSON

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EXHIBITS

NO.

DESCRIPTION

PAGE

None

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1 Q. So, yes, going over everything
2 we've just said, you know, someone might be --
3 you know, like in a sexual assault case, someone
4 might be separated from the college to like
5 ensure safety of the other individual, I don't
6 know, something like that, or if, I don't know,
7 someone was like being on campus being prone to
8 like self-harm or something. I can imagine
9 reasons why the committee might separate someone
10 from the college. But in my case, was there any
11 reason other than to punish for transgressions?

12 A. I can't --

13 MR. SMITH: Objection. You can
14 answer, Michelle. I just wanted to object.

15 A. I can't speak for the whole
16 committee. Again, I can only speak for myself,
17 and I don't have a complete memory of all of what
18 I hoped might come of the sanction, but the
19 primary reason I recall supporting that sanction
20 was for the safety of the community.

21 Q. Okay. And for what reason did you
22 think that I might pose a threat to the
23 community?

1 A. Based on my recollection, the
2 materials that I reviewed in preparation for the
3 case led me to believe that there's a pattern of
4 threatening behavior and an unresponsiveness to
5 various levels of authority, including the
6 police, the issuance of a restraining order, that
7 that hadn't been sufficient to end the behavior,
8 and that in the committee hearing there didn't
9 seem to be much in the way of an awareness of how
10 frightening and inappropriate the behavior was.

11 Q. Okay. So what role does the --
12 sometimes a JAO member is present and
13 sometimes -- sorry, yeah, sometimes a JAO member
14 is present in a hearing. There's always a chair.
15 What role can they play in affecting the eventual
16 decision of the committee?

17 MR. SMITH: Objection. You can
18 answer.

19 A. Are you asking what the formal
20 provisions governing the committee process allow?

21 Q. In your experience --

22 A. -- is that your question or?

23 Q. Well, what sort of responsibilities

1 they have been wildly abused by Dartmouth's
2 employees, administrators for at least six months
3 leading up to the hearing, or do you think that
4 the feelings engendered by that experience are
5 comparable to those that most students feel when
6 they are present at their hearings in this type
7 of circumstances?

8 MR. SMITH: Objection, but you can
9 answer.

10 A. I can't speculate on what other
11 students are feeling and why. I can just observe
12 that it seems to me that they're quite upset to
13 be -- to be of hearing before the COS.

14 Q. Okay. So you said before you felt
15 that I was potentially a threat to the Dartmouth
16 community. For what reasons exactly?

17 A. I think there's a full accounting
18 of that. Right now it's been two years. But on
19 the basis of the evidence that I reviewed which
20 suggested a pattern of threatening, intimidating,
21 frightening behavior and a lack of remorse for
22 that behavior, I felt that your continued
23 presence on the campus would endanger others.

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1 Q. And what was that perceived lack of
2 remorse based upon or derived from?

3 A. The fact that throughout the
4 committee hearing your focus was exclusively or
5 almost exclusively on the repercussions that the
6 events and the subsequent hearing, COS hearing,
7 was having on you as opposed to the victim in the
8 case.

9 Q. Okay. And do you think that
10 Dartmouth's decision to -- again, 'cause
11 Dartmouth did review all of the information that
12 you guys saw a year prior, met with me and
13 decided all of that information did not
14 justify --

15 THE COURT REPORTER: Did not? I'm
16 sorry. Excuse me. Did not justify? I lost you.

17 Q. So do you think that it was perhaps
18 more understandable for me to have felt that way
19 given the fact that Dartmouth had reviewed all of
20 the content of the report that the COS was given,
21 your COS was given, and approximately one year
22 prior or nine months prior decided that --
23 informed me that it was not going to raise all